

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ORACLE AMERICA, INC.,)	Case No.: 11-CV-01043-LHK
)	
Plaintiff,)	Consolidated for all purposes with
v.)	No. 11-CV-02135 LHK
)	
INNOVATIVE TECHNOLOGY)	ORDER RE: DISCOVERY LETTER
DISTRIBUTORS, LLC,)	BRIEFS
)	
Defendant.)	(re: dkt. #s 105, 106, 107, 108, 109, 110)
)	
)	

As stated in this Court's December 14, 2011 Minute Order and Case Management Order ("December 14, 2011 Order"), the parties were required to submit all discovery motions in this case to the undersigned by no later than February 1, 2012. *See* ECF No. 101. Each such discovery motion must be in the form of a letter brief to the Court not to exceed three pages in length, accompanied by a one-page declaration from lead trial counsel explaining the efforts made to resolve the dispute prior to filing the motion. For each discovery motion, the opposing party may file a response, also in the form of a letter brief to the Court not to exceed three pages, within seven days. No reply briefs are permitted.

Plaintiff Oracle America, Inc. ("Plaintiff") has timely filed a discovery motion regarding the individual and 30(b)(6) depositions of James Spinella, but Plaintiff seeks expedited relief. *See*

1 ECF No. 108. As stated in the December 14, 2011 Order, the Court will rule on all timely filed
2 discovery motions at the February 15, 2012 case management conference. *See* ECF No. 101. The
3 Court has set forth a procedure for resolving discovery disputes in this case and will not entertain
4 any requests for expedited relief. As a reminder, the Court fully expects the parties to resolve
5 discovery disputes amongst themselves to the greatest extent possible. Based on the declarations
6 filed with the motions, the Court is not satisfied with the parties' meet and confer attempts.
7 Accordingly, lead trial counsel are ordered to meet and confer in person in the Court's Jury Room
8 at 11:00 a.m. on February 15, 2012. The parties are hereby on notice that any party who takes a
9 discovery position that is not substantially justified may be subject to sanctions, including payment
10 of the opposing party's attorneys fees and costs.

11 **IT IS SO ORDERED.**

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13 Dated: February 3, 2012

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15 LUCY H. KOH
16 United States District Judge
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